

REMARKS

The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Claim 1, 8, 9 are amended with this response.

Claims 11 and 12 are newly added.

Specification

A clean version of a substitute specification as requested by the Examiner is included in Appendix 1. No new matter is being introduced with the submitted substitute specification.

Claim Rejections - 35 U.S.C. § 112

The Examiner has rejected Claims 1, 3, 4, and 8-10 under 35 U.S.C. section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner points out that there is insufficient basis for the limitation "the power driven feed roller." Claim 1, 8 and 9 have been amended to provide sufficient antecedent basis to all the limitations recited therein. Claims 3, 4 and 10 as far as they depend on Claim 1, present no antecedent basis problems in any of their limitations. Therefore, Claims 1, 3, 4 and 8-10 provide correct antecedent basis.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected Claims 1 and 3-10 under 35 U.S.C. 103(a) as being unpatentable over Runge (U.S. Patent No. 5,247,781) in view of Grevich et al (U.S. Patent No. 4,305,240). Applicant submits that Runge in view of Grevich does not render Claims 1 and 3-10 unpatentable and therefore traverses the Examiner's rejection.

Claim 1

The Examiner recognizes that Runge does not disclose a uniform pulling force and utilizes Grevich to find this limitation. Grevich however does not provide for a uniform pulling force. The Examiner states that Grevich "discloses a similar packaging machine comprising a

Appl. No. 10/691,716

Amdt. dated March 29, 2005

Reply to Office action of January 3, 2005

power-driven film feed roller (Fig. 1) designated to apply a uniform pulling force on the film....” Applicant disagrees with the Examiner since neither Figure 1 provides for an inference that there is a pulling force on the film, nor does the specification state that a pulling force is being applied on the film. On the contrary, Grevich is concerned with a coordinated movement of a tubular wrapper. Grevich refers to a variable speed that is coordinated between a driving sprocket, a chain and a rotor. Column 8, Line 33. Therefore, Grevich does not refer to a uniform pulling force on the film.

For at least the aforementioned reason, a combination of Runge and Grevich would not render Claim 1 obvious. Similarly, Claims 3, 4, and 8-10 would not be rendered obvious by Runge in view of Grevich. Applicant requests that the rejection to Claims 1, 3, 4, and 8-10 is withdrawn.

Claim 5

The Examiner has acknowledged that neither Runge nor Grevich disclose a pair of opposite platforms to make a contiguous seal and a zip seal. The Examiner has taken official notice that the mentioned two seals on a reclosable bags [sic] old, well known and available in the art.” Relying on such official notice, the Examiner has rejected Claim 5 as obvious because one of ordinary skill in the art would have modified Runge’s machine to make a continuous seal and a zip seal. However, simply because reclosable bags are known in the art does not infer the existence of a pair of opposite platforms to make the contiguous seal and the zip seal. Neither does the fact that reclosable bags are known in the art suggest a modification to Runge because Runge already deals with zip seals. Therefore Claim 5 is not rendered obvious by Runge or a modification of Runge. Similarly, Claims 6 and 7 are not rendered obvious by Runge or a modification of Runge. Applicant requests that the rejection to Claims 5-7 is withdrawn.

New Claims

Claims 11 and 12 are newly added. No new matter is introduced with the new claims. The new claims incorporate the limitation of a pulling force applied to the film which, mentioned above, does not appear in Runge or Grevich.

Appl. No. 10/691,716
 Amdt. dated March 29, 2005
 Reply to Office action of January 3, 2005

Docket No. 58009-017200

Conclusion

Applicant has complied with all requirements made in the above referenced communication. Accordingly, applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned agent.

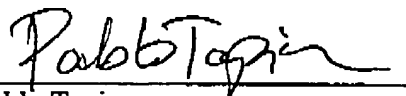
Fee Calculation:

- Applicant claims small entity status (37 C.F.R. § 1.27).

| Extra Claim Fees | | | | Extra Claims | Fee | | |
|--------------------------|----|---|----|--------------|-----|---|-----------------------|
| Total Claims | 12 | - | 20 | = | 0 | x | \$ 25.00 = \$ 0.00 |
| Independent Claims | 4 | - | 3 | = | 1 | x | \$ 100.00 = \$ 100.00 |
| Multiple Dependent Claim | | | | | | | \$ 180.00 = \$ 0.00 |
| Subtotal | | | | | | | \$ 100.00 |
| TOTAL AMOUNT OF PAYMENT | | | | | | | \$ 100.00 |

The Director is authorized to charge \$100.00 and any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number 50-2638, Deposit Account Name Greenberg Traurig, LLP. Please ensure that the Attorney Docket Number is referred to when charging any payments or credits for this case.

Respectfully submitted,



Pablo Tapia
 Reg. No. 52,275

Date: March 29, 2005

Customer Number 33717
 GREENBERG TRAURIG, LLP
 2450 Colorado Avenue, Suite 400E
 Santa Monica, CA 90404
 Phone: (310) 586-7700
 Fax: (310) 586-7800
 E-mail: bermanc@gtlaw.com